

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption as amended, pursuant to and consistent with the Rules of Practice in Patent Cases, and in light of the remarks which follow, is respectfully requested.

By the present amendment, claims 1 and 5 have been amended, new claims 24-29 have been added, and claims 6-17 and 21-23 have been canceled, so that claims 1-5 and 24-29 will be pending. Support for new claims 24-29 can be found in the specification at least at pages 8-14 and in the claims as originally filed.

Claim 5 is allowed. Claim 5 has been amended to remove the redundancies. Moreover, new claims 24 and 25 depend from claim 5 and represent the substance of claims 2 and 3, respectively. Claims 24 and 25 are likewise allowable.

Claim 1 has been amended to correct a typographical error.

New claims 26-29 represent the substance of claims 1-4, respectively, wherein R^2 is a C_2-C_{20} alkyl radical when $r = 1$.

Claims 1-4 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner considers the proviso new matter having no support in the originally filed specification. Applicants disagree with the Examiner. Support for the amendments to claim 1 can be found at least at pages 8 to 14 of the application as filed where numerous specific examples are disclosed wherein R^2 is an alkyl residue having 2 or more carbon atoms when $m + n = 3$, $Y = CH_2$, R^1 is absent and X is absent. For example, two compounds according to this definition can be found at page 8, at the first line of formulas, the right formula; and at the third line of formulas, the left formula. In both formulas R^2 is ethyl. Applicants submit that such disclosure provides sufficient written descriptive support to overcome a new matter rejection.

Withdrawal of the record rejection under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement and allowance of claims 1-4 is respectfully requested.

Claims 2 and 3 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. This rejection is respectfully traversed.

The Examiner considers the recited C_1 alkyl radical set forth in the following groups, C_1-C_6 alkyl radical and C_1-C_4 alkyl radical for R^2 is confusing due to the presence of the

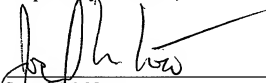
proviso in claim 1 wherein R^2 is a C_2-C_{20} alkyl radical. Applicants disagree with the Examiner. Since claims 2 and 3 depend from claim 1, then the proviso also applies to these claims. Moreover, the C_1 radical in these claims applies to the compound when $m + n =$ values other than 3. Accordingly, a person of ordinary skill in the art would understand that these claims particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Withdrawal of the record rejection under 35 U.S.C. § 112, second paragraph, for indefiniteness and allowance of claims 2 and 3 is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is hereby earnestly solicited.

Respectfully submitted,

Date: April 5, 2007



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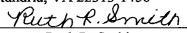
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§ 1.8(a)]

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April 5, 2007

Date



Ruth R. Smith